

PROB 12C
(7/93)

Report Date: April 3, 2013

United States District Court

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

for the

APR 12 2013

Eastern District of Washington

SEAN F. McAVOY, CLERK
DEPUTY
RICHLAND, WASHINGTON

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Phillip Smith

Case Number: 2:02CR02168-001

Address of Offender: [REDACTED] Wapato, WA 98951

Name of Sentencing Judicial Officer: The Honorable Edward F. Shea, Senior U.S. District Judge

Date of Original Sentence: 7/2/2003

Original Offense: Crime on an Indian Reservation, Aggravated Sexual abuse,
18 U.S.C. §§ 1153 & 2241(a) and 2241(c)Original Sentence: Prison - 121 Months
TSR - 60 Months

Type of Supervision: Supervised Release

Asst. U.S. Attorney: Shawn N. Anderson

Date Supervision Commenced: 10/19/2012

Defense Attorney: Alex B. Hernandez, III

Date Supervision Expires: 6/18/2017

 PETITIONING THE COURT

To issue a summons.

The probation officer believes that the offender has violated the following conditions of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
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1	Special Condition # 22: You shall participate in the location monitoring program in order to verify compliance with any court imposed condition of supervision. You are restricted to your residence every day from <u>5</u> p.m. to <u>8</u> a.m., as directed by the supervising officer. Any absence during the specified times requires advance approval of the supervising officer. You shall pay all or part of the costs of the program based upon your ability to pay.
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Supporting Evidence: Mr. Smith left his residence while on curfew without permission on March 31, 2013.

2	Special Condition # 22: Defendant shall have no contact with Karen Tahmalwash in person, by letter or other communication devices, audio or visual devices, or through a third party, unless authorized by the supervising probation officer. Defendant shall not enter the premises or loiter within 1,000 feet of her residence or place of employment.
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Supporting Evidence: Mr. Smith had unauthorized contact with Karen Tahmalwash on March 31, and April 1, 2013.

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A confidential informant reported Mr. Smith was observed in the company of Karen Tahmalwash at the Yakima Sundome while participating in an Easter celebration event. Mr. Smith was confronted regarding his contact with Ms. Tahmalwash to which he admitted attending the event together. Mr. Smith also admitted having contact with Ms. Tahmalwash again later this same evening outside his uncle's residence on Camas Road in Wapato, Washington.

On April 1, 2013, Mr. Smith stopped by Ms. Tahmalwash's residence for a period of approximately 7 minutes. Mr. Smith did not have authorization to have contact with Ms. Tahmalwash.

The U.S. Probation Office respectfully recommends the Court issue a summons requiring the defendant to appear to answer to the allegations contained in this petition.

I declare under penalty of perjury that the foregoing is true and correct.

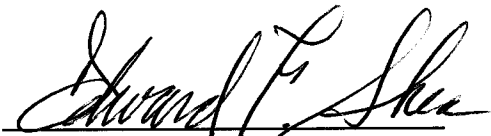
Executed on: April 3, 2013

s/Jose Zepeda

Jose Zepeda
U.S. Probation Officer

THE COURT ORDERS

- ☐ No Action
☐ The Issuance of a Warrant
☒ The Issuance of a Summons
☐ Other



Signature of Judicial Officer

4/12/13

Date